

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KELCI STRINGER, individually,
as personal representative of the
Estate of Korey Stringer, and on behalf
of a class of similarly situated persons
1044 Fairway Estates
Atlanta, Georgia 30319

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE
280 Park Avenue
New York, New York 10017

NFL PROPERTIES LLC
280 Park Avenue
New York, New York 10017

RIDDELL, INC., also doing business
as RIDDELL SPORTS GROUP INC.
669 Sugar Lane
Elyria, Ohio 44035
Also serve:
Prentice-Hall Corp. System
50 West Broad Street
Columbus, Ohio 43215

RIDDELL/ALL AMERICAN
669 Sugar Lane
Elyria, Ohio 44035
Also serve:
Prentice-Hall Corp. System
50 West Broad Street
Columbus, Ohio 43215

RIDDELL SPORTS INC.
669 Sugar Lane
Elyria, Ohio 44035

Case No.

C2 03 665
JUDGE HOLSTEN

MAGISTRATE JUDGE ABEL

**WRONGFUL DEATH/
SURVIVORSHIP ACTION
AND CLASS ACTION
COMPLAINT FOR
INJUNCTIVE RELIEF;
JURY DEMAND**

Also serve:)
Prentice-Hall Corp. System)
50 West Broad Street)
Columbus, Ohio 43215)
)
ALL AMERICAN SPORTS CORP.)
669 Sugar Lane)
Elyria, Ohio 44035)
Also serve:)
Prentice-Hall Corp. System)
50 West Broad Street)
Columbus, Ohio 43215)
)
JOHN LOMBARDO, M.D.)
2050 Kenny Road)
Columbus, Ohio 43221)
)
and)
)
JOHN DOES 6 THROUGH 30, Natural)
Persons or Entities Whose Names or)
Identities Are Unknown to Plaintiffs,)
)
Defendants.)
_____)

Comes now the plaintiff, Kelci Stringer, and for her Complaint and causes of action against defendants, and each of them, alleges and states as follows:

INTRODUCTION

1. National Football League training camps are modern-day sweat shops. Korey Stringer died in one of those sweat shops. When he went to training camp in July 2001, he was a 27-year old husband, father, and Pro Bowl offensive lineman for the Minnesota Vikings. But after being subjected for two days to weather and practice conditions that his team claimed were within National Football League standards, Korey Stringer developed heat stroke. More than an

hour and a quarter after he collapsed on the practice field, his temperature still was 108.8 degrees. After and as a result of purported treatment that his team claimed met National Football League standards, Korey Stringer was dead.

2. The conditions to which Korey Stringer was subjected and which foreseeably led to his death – *i.e.*, being forced to participate fully in practices conducted in extreme heat and humidity while wearing unsafe, heat-retaining, league-mandated equipment, and without proper acclimatization, supervision, or medical care – not only are condoned and perpetuated by the National Football League, but also ingrained in its culture, a perverse and deadly culture that the League tolerates, fosters, and even markets. Even today, players on National Football League teams are being subjected to the very same policies, practices, procedures, equipment, working conditions, and culture that claimed Korey Stringer's life. Yet, the National Football League, both before and after Korey Stringer's death, has failed to acknowledge, confront, or take action against those policies, practices, procedures, equipment, working conditions, and culture. Given that the League maintains such tight control over teams that it disciplines players for not tucking in their jerseys or pulling up their socks, the fact that players throughout the League still are being subjected to the dangerous practices, working conditions, and equipment that contributed to Korey Stringer's death signals a conscious choice by the National Football League to continue exposing players to unreasonable risks of harm. There could be no other explanation for the NFL continuing to license, approve, and mandate helmets and shoulder pads that it knows or has every reason to know are unsafe in that they significantly elevate players' body temperatures and, thus, their risk of developing life-threatening heat-related illnesses of the sort that caused Korey Stringer's death. The NFL and its associated entities thus have placed products and profits above players' lives and livelihoods.

3. Kelci Stringer brings this action on behalf of herself, Korey Stringer's estate, and all other persons similarly situated. In doing so, she seeks not only to compensate Korey Stringer's heirs for his death, but also to eliminate the National Football League policies, practices, procedures, equipment, working conditions, and culture that repeatedly subjected Korey Stringer and his family, and continue to subject hundreds of football players and their families, to unreasonable risks of harm, damage, and loss. This additional relief will ensure that family members who send their loved ones off to National Football League training camps, practices, or games will never again have to worry that they will die from heat-related illness.

4. This is a civil action seeking money damages for injuries sustained by the plaintiff, and injunctive relief to compel the defendants to take reasonable and necessary steps to substantially reduce the risk of heat-related illness in the National Football League.

PARTIES, JURISDICTION, AND VENUE

5. Plaintiff Kelci Stringer, a citizen of Georgia, is the widow of Korey Stringer and the duly appointed personal representative of his estate. Because she has had to cope with the death of her husband and raise their child alone, Kelci Stringer asks to represent a class, for injunctive relief purposes only, that consists not only of all NFL football players, but also the wives and next-of-kin of all such players.

6. Defendant National Football League ("the NFL" or "the League") is, on information and belief, an unincorporated association with its principal place of business in New York, which promotes, organizes, and regulates professional football in the United States, and which at all relevant times has been subject to personal jurisdiction in this district.

7. Defendant NFL Properties LLC (“NFL Properties”) is a California corporation with its principal place of business in New York, which, among other activities, approves, licenses, and promotes equipment used by NFL teams, and which at all relevant times has been subject to personal jurisdiction in this district.

8. Defendant John Lombardo, M.D. (“Dr. Lombardo”), is a physician licensed to practice medicine in Ohio, specializing in sports medicine and practicing in Columbus, Ohio. Among other activities, Dr. Lombardo has served and still serves as a leading member of the NFL Safety and Injury Panel and as medical advisor to the NFL. At all relevant times, Dr. Lombardo has been subject to personal jurisdiction in this district.

9. Defendants Riddell, Inc. (also doing business as Riddell Sports Group Inc.), Riddell/All American, Riddell Sports Inc., and All American Sports Corp. (collectively, “Riddell”) are Delaware corporations with their principal place of business in Ohio, which develop, design, manufacture, market, furnish, distribute, and sell, among other products, football equipment to NFL teams, including helmets and shoulder pads. Riddell is the sole license holder for helmets of NFL teams and a principal supplier of shoulder pads to NFL teams. At all relevant times, Riddell has been subject to personal jurisdiction in this district. It is plaintiff’s understanding from press reports that Riddell recently was purchased by an entity known as Fenway Partners Inc., a private equity investment firm, but that, on information and belief, Riddell retains its corporate identity. To the extent it becomes necessary and feasible to join Fenway Partners Inc. pursuant to Rule 19(a) and 15(c) of the Federal Rules of Civil Procedure, plaintiff could do so, consistent with those rules, within the specified time period.

10. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, based upon diversity of citizenship and an amount-in-controversy in excess of the jurisdictional

minimum of \$75,000.00. Venue is proper in this district pursuant to 28 U.S.C. § 1391(a)(1) and/or (3).

FACTS

11. On July 31, 2001, Korey Stringer, age 27, a professional football player and Pro Bowl offensive tackle for the Minnesota Vikings Football Club, LLC (“the Vikings”), a member club of the NFL, developed heat stroke during a morning practice at the Vikings’ pre-season training camp in Mankato, Minnesota. During that practice, as well as the prior day’s practice when he developed heat exhaustion, Korey Stringer wore a helmet and shoulder pads designed, manufactured, marketed, and sold by Riddell. Korey Stringer died from complications of heat stroke at 1:50 a.m. on August 1, 2001. Korey Stringer left behind his wife Kelci, their three-year old son Kodie, his parents, a brother, and a sister.

12. The NFL undertakes the overall regulation of the League and its member teams, including scheduling, uniforms, and player health, and generally controls and oversees the game.

13. NFL Properties undertakes the licensing of professional football uniforms and equipment, and the regulation of the standards that those uniforms and equipment, or the components thereof, must meet.

14. Throughout its history, the NFL has come to recognize that football is a collision sport requiring players to engage in intense physical activity throughout the games and practices. Defendants knew or should have known that heat and humidity presented a significant risk to the players, including but not limited to, the development of heat-related illness during practices and games. Heat-related illness is an entirely preventable and easily treated condition when proper care and procedures are in place.

15. Despite knowledge of the risks of heat-related illness and of the steps necessary to prevent it, defendants failed to take steps prior to Korey Stringer's death to reduce the risk of such illness, which defendants knew or had reason to know were and are created by Riddell's helmets and shoulder pads and by conditions existing during NFL practices and games.

16. The NFL required Korey Stringer, and requires all players, to participate fully in training camp and to submit to the medical care provided and deemed necessary by member clubs.

17. Athletic trainers in the NFL serve as the first line of treatment for players. It is their initial responsibility to recognize and treat football-related injuries or conditions, including heat-related illness. Korey Stringer was forced, and all other players in the NFL are forced, to rely on the athletic trainers for adequate prevention, recognition, and treatment of football-related injuries or conditions, including heat-related illness.

18. Physicians in the NFL serve as the primary care doctors for players and as supervisors and instructors for athletic trainers and also manage players' care and treatment for football-related injuries or conditions, including heat-related illness. Korey Stringer was forced, and all other players in the NFL are forced, to rely on the team physicians for adequate prevention, recognition, and treatment of illness, including heat-related illness, and for properly supervising and training athletic trainers in preventing, recognizing, and treating illness, including heat-related illness.

19. Korey Stringer was subjected to, and other NFL players are subjected to, the decisions of coaches regarding the circumstances, planning, timing, content, organization, intensity, and duration of practices. A perverse, insidious, and deadly culture has existed and continues to exist among NFL coaches, which unreasonably subjects players to heat-related

illness during practices, ostensibly out of the twisted belief that players benefit from being subjected to such working conditions, when, in reality, exposing a player to such conditions was and is known by the NFL and Dr. Lombardo to subject a player to the risk of severe heat-related illness, including accompanying damage to the brain and other organs and death.

20. The NFL had and has a duty to the players to provide complete, current and competent information and directions to NFL athletic trainers, physicians, and coaches about heat-related illness and its prevention, symptoms, and treatment.

21. Korey Stringer died, and numerous other players have been injured, as a result of defendants' policies, practices, procedures, actions, and/or inaction pertaining to heat-related illness, including the following:

- a. The NFL and Dr. Lombardo have failed to establish practice regulations and procedures for hot and/or humid conditions, such as the "black-flag day" system and other regulations that exist in the U.S. military or other regulations and procedures that exist in other athletic associations, resulting in Korey Stringer being forced or allowed to engage in an intense full-contact practice in a full dark-colored jersey, full shoulder pads, and a helmet during extremely hot and humid conditions on July 31, 2001, while he was still ill from heat exhaustion that he had suffered the previous day, July 30;
- b. The NFL and Dr. Lombardo have failed to establish procedures to ensure the proper acclimatization of all players before they participate in full practices, resulting in Korey Stringer being forced to practice before being acclimatized to the extreme heat and humidity that existed in Mankato on July 30 and July 31, 2001;

- c. The NFL and Dr. Lombardo have failed to establish practices and procedures, or even make recommendations to member clubs such as the Vikings, for the adequate care and monitoring of players suffering heat-related illness, contributing to the Vikings' failure to provide adequate care for and monitoring of Korey Stringer during his July 30 episode of heat exhaustion, the night of July 30, the early morning of July 31, the entire July 31 morning practice, and thereafter;
- d. The NFL and Dr. Lombardo have failed to require that an adequate heat-related illness history be taken by those providing medical services and/or examinations to players, including players' susceptibility to heat-related illness;
- e. The NFL and Dr. Lombardo have failed to require teams and their health care providers to take steps necessary to ensure accurate diagnosis and recording of heat-related illness among players, so that the condition could be treated in an adequate and timely manner;
- f. The NFL and Dr. Lombardo have failed to regulate team policies, practices, and procedures regarding matters related to hydration, diet, nutrition, and return to practice, insofar as such matters pertain to heat-related illness among players, resulting in Korey Stringer's death;
- g. The NFL, NFL Properties, Riddell, and Dr. Lombardo have failed to develop, institute, and/or require changes in NFL-licensed and/or NFL-approved equipment to diminish the risk of heat-related illness, resulting in Korey Stringer wearing an insulating, evaporation-resistant helmet and shoulder pads during practice, directly contributing to his untimely death;

- h. The NFL and Dr. Lombardo have condoned and, indeed, forced players to submit to a substandard medical system within the NFL that is composed of athletic trainers, team physicians, and others who are not competent or adequately trained to recognize or treat heat-related illness, with the foreseeable result that Korey Stringer received substandard care from the Vikings medical staff, which led to his death;
- i. The NFL and Dr. Lombardo have failed to institute mandatory procedures to ensure proper and timely emergency and other medical care for players so that athletic trainers and physicians would be prepared to deal with the life-threatening situation created by heat-related illness, resulting in Korey Stringer receiving substandard, delayed care from the Vikings medical staff, which led to his death.
- j. The NFL has tolerated, condoned, and fostered a culture among coaches, athletic trainers, and team physicians that subjects players to the conditions such as those to which Korey Stringer was subjected and which led to his death – *i.e.*, being forced to participate fully in practices conducted in extreme heat and humidity while wearing league-mandated, heat-retaining, evaporation-inhibiting equipment, and without proper acclimatization, supervision, or medical care.

22. Although Korey Stringer suffered the most significant harm as a result of these failures, a large number of NFL players have suffered from heat-related illness (*e.g.*, nearly 15 percent of the Viking players during the first two days of the 2001 camp) and will continue to suffer from it unless the NFL, NFL Properties, Riddell, and Dr. Lombardo are required to take steps to eliminate unreasonable risks created by Riddell's products and by policies, practices, procedures, working conditions, and culture that have existed in and been condoned by the NFL.

23. As a result of defendants' conduct and breaches of their legal duties, Korey Stringer suffered, prior to his death, great physical pain, trauma, extreme mental anguish and conscious pain and suffering, and plaintiff Kelci Stringer and the other heirs of Korey Stringer suffered extreme grief and losses, including, but not limited to, the loss of support, support from the reasonably expected earning capacity of the decedent, contribution, consortium, love, affection, companionship, care, comfort, society, aid, assistance, attention, protection, advice, guidance, counsel, instruction, training, education, prospective inheritance, and earning ability. In addition, plaintiff Kelci Stringer and the other heirs of Korey Stringer suffered extreme mental anguish prior to and as a result of his death. Plaintiff seeks all damages allowed by law.

24. Defendants' conduct evinced such a flagrant disregard for the safety of players, including Korey Stringer, who might be harmed by their practices and/or products, and such conscious disregard for the rights and safety of players such as Korey Stringer, which had a great probability of causing substantial harm, that punitive damages are appropriate.

CLASS ALLEGATIONS

24. The proposed class includes all NFL players and their wives and next-of-kin. This class consists of several thousand people spread throughout the country. Therefore, the class is so numerous and dispersed that joinder is impracticable.

25. Her husband having suffered from heat-related illness due to the very practices, policies, and procedures sought to be enjoined, Kelci Stringer, with the help of qualified counsel who are experienced in such litigation, is capable of adequately representing the proposed class for purposes of seeking injunctive relief.

26. There are numerous common questions of law and fact, including the following:

- a. whether the NFL and Dr. Lombardo had or have a duty to establish practice regulations and procedures for hot and/or humid conditions in order to prevent or reduce the risk of heat-related illness;
- b. whether the NFL and Dr. Lombardo had or have a duty to establish procedures to ensure the proper acclimatization of all players before they participate in full practices;
- c. whether the NFL and Dr. Lombardo had or have a duty to establish practices and procedures for the adequate care and monitoring of players suffering heat-related illness;
- d. whether the NFL and Dr. Lombardo had or have a duty to require that an adequate heat-related illness history be taken by those providing medical services and/or examinations to players, including players' susceptibility to heat-related illness;
- e. whether the NFL and Dr. Lombardo had or have a duty to require teams and their health care providers to take steps necessary to ensure accurate diagnosis and recording of heat-related illnesses among players, so that the condition could be treated in an adequate and timely manner;
- f. whether the NFL and Dr. Lombardo had or have a duty to regulate team policies, practices, and procedures regarding matters related to hydration, diet, nutrition, and return-to-practice, insofar as such matters pertain to heat-related illness among players;
- g. whether the insulating, evaporation-inhibiting aspects of Riddell's equipment, including, but not limited to, helmets and/or shoulder pads, have substantially contributed to the development of heat-related illnesses among NFL players;

- h. whether the NFL, NFL Properties, Riddell, and Dr. Lombardo had or have a duty to develop, institute, and/or require changes in NFL-licensed and/or NFL-approved equipment including, but not limited to, insulating, evaporation-inhibiting helmets and shoulder pads, to diminish the risk of heat-related illness during practices and games;
- i. whether the NFL and Dr. Lombardo had or have a duty not to subject players to a substandard medical system within the NFL that is composed of athletic trainers, team physicians, and others who are not competent or adequately trained to recognize or treat heat-related illness;
- j. whether the NFL and Dr. Lombardo had or have a duty to institute mandatory procedures to ensure proper and timely emergency and other medical care for players so that athletic trainers and physicians would be prepared to deal with the life-threatening situation created by heat-related illness;
- k. whether there is a culture among NFL coaches, athletic trainers, and team physicians that subjects players to the conditions such as those to which Korey Stringer was subjected and which led to his death – *i.e.*, being forced to participate fully in practices conducted in extreme heat and humidity while wearing league-mandated, heat-retaining, evaporation-inhibiting equipment, and without proper acclimatization, supervision, or medical care;
- l. whether defendants' violations of the above duties have substantially contributed to NFL players' development of heat-related illnesses, the extent to which players have been damaged by such illnesses, the extent to which players' recovery from

such illnesses has been inhibited, and any permanent sequelae experienced by players suffering such illnesses, such that injunctive relief is warranted.

27. While Kelci Stringer's husband died as a result of his heat-related illness, the severity of that loss does not alter the fact that he developed his illness due to unsafe circumstances, practices, and equipment to which players throughout the NFL are exposed, making Kelci Stringer's claim typical.

28. Certification of the claim for injunctive relief is appropriate pursuant to Rules 23(b)(2) and 23(c)(4) of the Federal Rules of Civil Procedure, inasmuch as defendants, by virtue of their failures and breaches as alleged herein, have acted or refused to act on grounds generally applicable to the class.

**FIRST CLAIM FOR RELIEF
(against the NFL)**

29. Plaintiff incorporates and realleges each and every allegation of this Complaint.

30. The NFL had and has the duty to use ordinary care in overseeing, controlling, and regulating the member clubs' practices, policies, procedures, equipment, working conditions, and culture, insofar as they pertain to and subject players to heat-related illness, including, but not limited to, the duty to institute acclimatization requirements and to regulate training camp practices, other practices, games, equipment, and medical care so as to minimize the risk of heat-related illness.

31. The NFL has breached its duties by the failures described above and otherwise.

32. Under all of the circumstances, it was and is foreseeable that the NFL's violations of its duties would cause or substantially contribute to – and, indeed, in Korey Stringer's case, did cause or substantially contribute to – heat-related illness among players.

33. As a direct and proximate result of these breaches, Korey Stringer and other NFL players foreseeably have suffered heat-related illness.

34. As a result of the death of Korey Stringer, plaintiff Kelci Stringer is entitled to damages, as alleged herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional minimum of \$75,000.

**SECOND CLAIM FOR RELIEF
(against Dr. Lombardo)**

35. Plaintiff incorporates and realleges each and every allegation of this Complaint.

36. Dr. Lombardo holds a number of NFL positions, including serving as a leading member of the NFL Safety and Injury Panel and as an advisor to the NFL and its member clubs on health-related issues. He also consulted with the Vikings and the NFL regarding Korey Stringer's death. He has lectured and published on matters of direct relevance to this action, including, but not limited to, heat-related illness, football equipment, and pre-participation examinations and evaluations.

37. Dr. Lombardo had and has the authority to issue health-related policy directives to member clubs on behalf of the League and to mandate health-related procedures and practices for member clubs to follow.

38. Procedures and policies exist, at both the high school and college levels, which substantially reduce the risk of heat-related illness to football players.

39. As a leading member of the NFL Safety and Injury Panel and an advisor to the NFL and its member clubs on health-related issues, Dr. Lombardo owed Korey Stringer and owes all NFL players a duty to take all reasonable and necessary steps and develop and

implement all necessary policies and procedures to protect them from the risks of heat-related illness.

40. If Dr. Lombardo, in conjunction with or on behalf of the NFL, had taken the necessary steps and developed and implemented the necessary policies and procedures – including, but not limited to, acclimatization requirements, practice regimes and limitations, equipment modifications, emergency procedures, and education and training of all persons involved with NFL teams in the prevention, recognition and treatment of heat-related illness – Korey Stringer and other NFL players would not have suffered from that condition or would have recovered more rapidly from it and with fewer continuing effects. Korey Stringer and other NFL players were and are the sole intended beneficiaries of the work of Dr. Lombardo with the NFL and the various NFL committees and panels on which he serves.

41. Under all of the circumstances, it was and is foreseeable that Dr. Lombardo's violations of his duties would cause or substantially contribute to – and, indeed, in Korey Stringer's case, did cause or substantially contribute to – heat-related illness among players.

42. As a direct and proximate result of Dr. Lombardo's breach of his duties, as described above and otherwise, Korey Stringer and other NFL players suffered injury from heat-related illness, which could have been prevented or reduced in severity, had Dr. Lombardo complied with his obligations.

43. As a result of the death of Korey Stringer, plaintiff Kelci Stringer is entitled to damages, as alleged herein or allowed by law, from Dr. Lombardo in an amount reasonably anticipated to exceed the jurisdictional minimum of \$75,000.

**THIRD CLAIM FOR RELIEF
(against Riddell)**

44. Plaintiff incorporates and realleges each and every allegation of this Complaint.

45. Riddell is the exclusive provider of helmets and a major supplier of shoulder pads to NFL teams, including the Vikings.

46. Riddell helmets and shoulder pads, as designed and constructed at the relevant times, act as an insulating “blanket” for players wearing them in hot and humid conditions, preventing evaporation and heat dissipation, unreasonably increasing players’ body temperatures, and, therefore, dramatically increasing their risk of heat-related illness.

47. The technology exists to design, manufacture, and/or configure helmets and shoulder pads in a way that would substantially reduce this insulating effect, but Riddell has resisted it.

48. The helmets and shoulder pads, as designed and manufactured, are unreasonably dangerous for their intended and foreseeable uses because they significantly increase heat retention and, thus, players’ body temperatures.

49. The heat-retaining, evaporation-resisting aspects of Riddell’s helmets and shoulder pads result in players participating in practices and/or games with an unreasonably increased risk of harm from heat-related illness.

50. Riddell knew or should have known of the insulating, evaporation-inhibiting properties of its equipment and should have warned all users of the increased risk of heat-related illness from use of its products, but failed to issue the necessary warning.

51. Korey Stringer and other NFL players have suffered from heat-related illness while wearing Riddell equipment and that equipment was a substantial contributing factor to their development of that condition.

52. Riddell is liable to plaintiff for this design and construction, by way of negligence, strict products liability and/or breach of express and implied warranties, for the design, construction and failure to warn, and otherwise, for the death of Korey Stringer as a result of developing heat-related illness.

53. Riddell had a duty to exercise ordinary and reasonable care in the design, manufacture, testing, sale, quality assurance, conveyance and/or distribution of its helmet and shoulder pads into the stream of commerce, including a duty to assure that the products did not pose a significantly increased risk of personal injury and death. Riddell failed to exercise ordinary and reasonable care in the design manufacture, sale, testing, quality assurance, quality control and/or distribution of the products in interstate commerce, in that Riddell knew or should have known that the products could cause significant bodily harm and death.

54. Riddell also failed to exercise ordinary and reasonable care in that it failed to issue adequate warnings of the risk of serious bodily injury or death due to the use of its helmet and shoulder pads.

55. Riddell knew or should have known that consumers would suffer injury and even death as a result of its failure to exercise ordinary and reasonable care as described herein.

56. Riddell designed and/or manufactured the helmet and shoulder pads and placed them in the stream of commerce in a defective and unreasonably dangerous condition in that the foreseeable risks exceeded the benefit associated with the design or formulation and/or failed to

meet ordinary consumer expectations when used in an intended or reasonably foreseeable manner.

57. The helmet and shoulder pads were not accompanied, at the time of marketing the products or after the products left the manufacturer's control, by proper warnings regarding all possible safety hazards associated with their use, including the risk of heat-related illness.

58. Riddell knew or should have known of the risk of injury from the products and failed to provide an adequate warning to consumers.

59. The helmet and shoulder pads did not conform to Riddell's representations concerning their safety.

60. Riddell expressly warranted that the helmet and shoulder pads were safe for their intended purpose. These products did not conform to these express representations because they are not safe in that they inhibit evaporation and heat dissipation, significantly increasing players' body temperatures and their risk of developing heat-related illness.

61. At the time Riddell marketed, sold, and distributed the helmet and shoulder pads for use by Korey Stringer and other NFL players, Riddell knew of the use for which these products were intended and impliedly warranted that they were of merchantable quality and safe and fit for their intended use.

62. Korey Stringer and other NFL players reasonably relied upon the skill and judgment of Riddell as to whether the helmet and shoulder pads were of merchantable quality and safe and fit for their intended use.

63. Contrary to the implied warranty, the helmet and shoulder pads were not of merchantable quality or safe or fit for their intended use, because these products were unreasonably dangerous and unfit for the ordinary purposes for which they were to be used.

64. As a direct and proximate result of Riddell's conduct, Korey Stringer died and plaintiff Kelci Stringer and the other heirs of Korey Stringer suffered damages as alleged above and otherwise, in an amount reasonably anticipated to exceed the jurisdictional minimum of \$75,000. As a direct and proximate result of Riddell's conduct, other NFL players also have needlessly suffered, and will continue to suffer needlessly, from heat-related illness.

**FOURTH CLAIM FOR RELIEF
(against the NFL and NFL Properties)**

65. Plaintiff incorporates and realleges each and every allegation of this Complaint.

66. The NFL had a duty to ensure that the equipment and materials it required players such as Korey Stringer to wear was of the highest possible quality and sufficient to protect the players from the risk of injury, including, but not limited to, the unnecessarily increased risk of heat-related illness. The NFL has breached these duties by requiring and/or approving the use of Riddell's helmets and shoulder pads, knowing or having reason to know that these products were negligently and defectively designed and manufactured, as alleged above, and knowing or having reason to know that these products not only did nothing to protect players from heat-related illness or minimize the risk of such harm, but actually increased that risk and contributed to such harm.

67. As the licensing arm of the NFL, NFL Properties had a duty to ensure that the equipment and materials it licensed and approved was of the highest possible quality and sufficient to protect the players from the risk of injury, including, but not limited to, the unnecessarily increased risk of heat-related illness. NFL Properties breached these duties by licensing Riddell's helmets and approving Riddell's shoulder pads, knowing or having reason to know that these products were negligently and defectively designed and manufactured, as

alleged above, and knowing or having reason to know that these products not only did nothing to protect players from heat-related illness or minimize the risk of such harm, but actually increased that risk and contributed to such harm.

68. As a result of these breaches, Korey Stringer suffered, and, on information and belief, other NFL players have suffered, from heat-related illness.

69. As a result of the death of Korey Stringer, plaintiff Kelci Stringer is entitled to damages from the NFL and NFL Properties in an amount reasonably anticipated to exceed the jurisdictional minimum of \$75,000.

**FIFTH CLAIM FOR RELIEF
(for injunctive relief against all defendants)**

70. Plaintiff incorporates and realleges each and every allegation of this Complaint.

71. All NFL players face the risk of continued exposure to heat-related injury insofar as they are required to practice and play in a setting where adequate heat-related policies and procedures are not in place, and using equipment not adequately designed to reduce the risk of such injury. The wives and next-of-kin of NFL players thus face the constant risk that the players will suffer death or serious debilitating injuries as a result of heat-related illness.

72. While money damages will compensate the family of Korey Stringer for their past harm, the wives and next-of-kin of all other NFL players should not have to wait until heat-related death or serious injury strikes, before they can both be and feel secure from the sort of extreme and enormous losses to which Korey Stringer's family has been subjected. The risk of such future harm can only be prevented by the Court issuing an injunction to prohibit the NFL from compelling players to play and practice in high heat and humidity, or other settings posing a significant risk of heat-related injury, absent policies, procedures, acclimatization requirements,

and equipment that would adequately reduce the risk of such harm. The NFL should be enjoined from requiring player participation and equipment use until such policies, procedures, acclimatization requirements, and equipment are developed and put in place for use in settings of high heat and humidity. The NFL and NFL Properties should further be enjoined from licensing, approving, or mandating or allowing the use of, and Riddell should be enjoined from furnishing to NFL member clubs, equipment that unreasonably increases players' body temperatures and risks of heat-related illness. The NFL and Dr. Lombardo should be required to establish mandatory procedures and programs, including adequate medical monitoring for players and training for players, their family members, coaches, athletic trainers, and team physicians to reduce the risk of heat-related illness and to counteract the culture that contributes to it.

WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as follows:

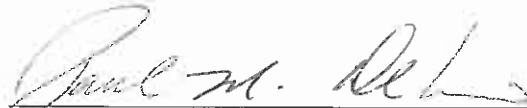
- a. Compensatory and punitive damages to plaintiff Kelci Stringer in an amount greater than the jurisdictional minimum of seventy-five thousand and no one-hundredths dollars (\$75,000.00), together with interest, costs, and disbursements incurred herein;
- b. For injunctive relief (i) prohibiting the NFL from compelling players to play and practice in high heat and humidity, or other settings posing a significant risk of heat-related injury, absent policies, procedures and equipment that adequately reduce the risk of such harm, (ii) prohibiting the NFL and NFL Properties from licensing, approving, or mandating or allowing the use of, and enjoining Riddell from furnishing to NFL member clubs, equipment that unreasonably increases players' body temperatures and risks of heat-related illness, and (iii) requiring the NFL and Dr. Lombardo to establish mandatory procedures and programs, including adequate medical monitoring for players and training

for players, family members, coaches, athletic trainers, and team physicians to reduce the risk of heat-related illness and to counteract the culture that contributes to it;

- c. For such other and further relief as the Court may deemed justified.

WAITE, SCHNEIDER, BAYLESS & CHESLEY CO., LPA

Dated: 7/28/03



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JURY DEMAND

Plaintiff hereby demands a trial by jury on her own behalf.

